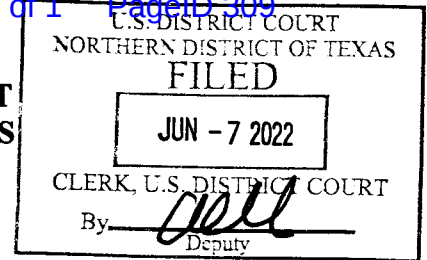


**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**



UNITED STATES OF AMERICA

v.

TERRY LEE MODICA (2)

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§  
§  
§  
§

CASE NO. 3:20-CR-125-E

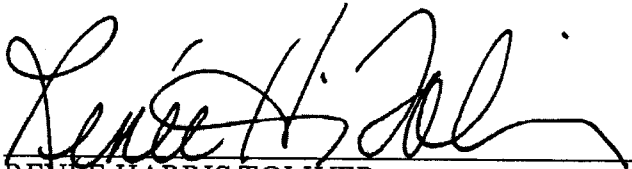
**REPORT AND RECOMMENDATION  
CONCERNING PLEA OF GUILTY**

**TERRY LEE MODICA**, by consent and under the authority of *United States v. Dees*, 125 F.3d 261 (5th Cir. 1997), appeared before me pursuant to FED. R. CRIM. P. 11, and entered pleas of guilty to Counts 1, 3, and 4 of the four-count Superseding Indictment filed July 8, 2021.

After cautioning and examining **TERRY LEE MODICA** under oath concerning each of the subjects mentioned in Federal Criminal Procedure Rule 11, I determined that his guilty pleas were knowing and voluntary, and that the offenses charged are supported by independent bases in fact containing each of the essential elements of each such offense. Thus, I recommend that **TERRY LEE MODICA**'s pleas of guilty be accepted, and that **TERRY LEE MODICA** be adjudged guilty of **Count 1—Interference with Commerce by Robbery (Aiding and Abetting)**, in violation of 18 U.S.C. §§ 1951(a) & 2; **Count 3— Interference with Commerce by Robbery**, in violation of 18 U.S.C. §§ 1951(a) & 2; and **Count 4—Using, Carrying and Brandishing a Firearm During and in Relation to, and Possessing and Brandishing a Firearm in Furtherance of, a Crime of Violence**, in violation of 18 U.S.C. §§ 924(c)(1)(C)(i) & 2, and have sentence imposed accordingly.

After being found guilty of the offenses by the district judge, the defendant, who is currently in custody, should be ordered to remain in custody.

SIGNED June 7, 2022.

  
RENEE HARRIS TOLIVER  
UNITED STATES MAGISTRATE JUDGE

**NOTICE**

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. §636(b)(1)(B).